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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,019	10/15/2001	Thomas Lemaigre du Breuil	GEN-126	1611

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EXAMINER
FLANDERS, ANDREW C

ART UNIT	PAPER NUMBER
2644	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/976,019	DU BREUIL, THOMAS LEMAIGRE
	Examiner	Art Unit	
	Andrew C. Flanders	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

    4a) Of the above claim(s) *19-43, 48 and 49* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18, 44-47 and 50-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant has elected Group 1, Claims 1 – 17, 44 – 47, and 50 – 55

without traverse. These claims along with claim 18, which is considered to be

generic, will be examined on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 10 – 18, 44 – 46 and 50 - 55 are rejected under 35

U.S.C. 102(e) as being anticipated by Jin (U.S. Patent 6,867,820).

Regarding **Claims 1, 18 and 44**, Jin discloses:

A terminal for optimizing reproduction of an audio signal that has source

characteristic data and that is transmitted through a delivery channel (title and

abstract), comprising:

a receiver that receives the audio signal and the source characteristic data

(i.e. the DTV in Fig 1 has a CPU; col. 5 lines 9 – 20, 44 – 52 and col. 6 lines 10 –

19; that checks the number of speakers connected; Fig. 4 element S10, checks

the content, number of channels, of the selected audio source; Fig. 4 element S20);

a memory that stores the source characteristic data and delivery channel capability data (Referring now to Fig. 4, Fig. 4 discloses a flow chart of operation for the device to determining the usable menus. A flow chart is a representation of a sequence of operations in a process; see the enclosed Dictionary.com definition for flowchart. A flow chart must complete each sequence before the next is to be completed. In this instance, step S10 must be finished before step S20, and step S20 must be completed before S30 and so on. Because operations taking place in step S30 depend on the data that is gathered from S10 and S20, and S30 is done at a later time than S10 and S20, there is an inherent storage of the data found in steps S10 and S20.); and

a processor that generates optimized configuration data for reproducing the audio signal based on the source characteristic data and the delivery channel capability data (i.e. the CPU determines the usable audio menus and displays them on the screen; col. 6 lines 1 – 5).

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1, Jin further discloses:

a channel map for generating a program guide based on the source characteristic data and the delivery channel capability data (i.e. the system displays only the determined usable menus on the screen, the menus including the channel selections; col. 6 lines 3 – 4).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1, Jin further discloses:

wherein the memory contains delivery channel capability data for at least two delivery channels (As shown in claim 1, the memory for the delivery channel capability is inherent, and as such, one of the possible channel outputs stored is a multi speaker arrangement; col. 6 lines 25 – 31).

Regarding **Claims 4, 45 and 46**, in addition to the elements stated above regarding claims 1 and 44, Jin further discloses:

wherein the memory comprises (i.e. the inherent memory as shown in claim 1):

a program guide database that stores the source characteristic data (the number of input channels found in S20 is inherently stored); and

a channel map database that stores the delivery channel capability data (the number of output channels found in S10 is inherently stored).

Regarding **Claim 5**, in addition to the elements stated above regarding claim 4, Jin further discloses:

wherein the terminal generates an assembled program guide based on the data in the program guide database and the channel map database (i.e. the system determines the present usable audio menus in step S30 from the data found in S10 and S20).

Regarding **Claims 10, 50 and 52**, in addition to the elements stated

regarding claims 1, 44 and 51, Jin further discloses:

wherein the optimized configuration data generated by the processor

includes data that provides an alternate configuration if the delivery channel

cannot support the source characteristic of the audio signal (i.e. the system

determines the usable audio menus, which inherently contain the usable outputs

for the given inputs in step S30 of Fig. 4).

Regarding **Claims 11 and 51**, in addition to the elements stated above

regarding claims 1 and 44, Jin further discloses: wherein the memory stores

audio equipment configuration data that is used by the processor to generate the

optimized configuration data (i.e. the system determines and inherently stores

the number of speakers connected to the device in S10 of Fig. 4).

Regarding **Claim 12**, in addition to the elements stated above regarding

claim 1, Jin further discloses an output interface that couples the processor to an

output mechanism to present the optimized configuration data to a user (i.e. the

system displays the usable menus in S40 of Fig. 4).

Regarding **Claim 13**, in addition to the elements stated above regarding

claim 1, Jin further discloses a control interface that couples the terminal with

audio equipment (the DTV, element 5 of Fig. 1 which includes the CPU, is coupled to the output speakers).

Regarding **Claim 14**, in addition to the elements stated above regarding claim 13, Jin further discloses wherein the control interface is selected from the group of a hard wired connection, a wireless link, or an integrally formed connection with the terminal (i.e. the speakers are hardwired and integrally formed with the terminal as shown in Fig. 1).

Regarding **Claim 15**, in addition to the elements stated above regarding claim 13, Jin further discloses wherein audio equipment data from the audio equipment is transmitted through the control interface to the terminal (i.e. the CPU, located in the DTV determines when the a speaker is connected by checking the voltage level outputted by the speaker terminals; col. 1 lines 9 – 20), and wherein the processor generates optimized configuration data based on the audio equipment data (i.e. the system determines the present usable audio menus in S30 of Fig. 4).

Regarding **Claims 16, 17, 53, 54 and 55**, in addition to the elements stated above regarding claims 13, 15, 44 and 51, Jin further discloses wherein the optimized configuration data is transmitted through the control interface to the audio equipment to configure the audio equipment based on the optimized

configuration data (i.e. the device configures the menus that are selectable and

sets up the output audio accordingly; See Fig. 4 and col. 6 lines 25 – 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claims 6 – 9 and 47 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jin (U.S. Patent 6,867,820).

Regarding **Claim 6**, in addition to the elements stated above regarding

claim 4, Jin further discloses:

wherein the program guide database stores the source characteristic data

(i.e. the system inherently stores the characteristic data as shown in the rejection

of claim 1).

Jin does not disclose storing the data in a source characteristic data field.

However, the location of the storage in memory is a design choice by applicant.

Locations of memory to which the data is being stored is irrelevant. Minor

changes in programming allow for multiple areas of a memory to be used to

efficiently store data without producing any new or unexpected results.

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6, the modification of Jin further discloses:

wherein the audio signal is transmitted over one of at least two delivery channels (Fig. 1), and

wherein the program guide data base has at least one source characteristic field assigned to each delivery channel (as shown regarding claim 6, the data is saved for each channel, duplicating this method for multiple channels would have been an obvious implementation to one of ordinary skill in the art, see In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)).

Regarding **Claim 8**, in addition to the elements stated above regarding claim 4, Jin further discloses wherein the channel map database stores the delivery channel capability data (the system inherently stores the deliver channel data as shown in the rejection of claim 1).

Jin does not disclose storing the data in a delivery channel capability data field. However, the location of the storage in memory is a design choice by applicant. Locations of memory to which the data is being stored is irrelevant. Minor changes in programming allow for multiple areas of a memory to be used to efficiently store data without producing any new or unexpected results.

Regarding **Claims 9 and 47**, in addition to the elements stated above regarding claims 8 and 46, the modification of Jin further discloses:

wherein the audio signal is transmitted over one of at least two delivery

channels (Fig. 1), and

wherein the channel map data base has at least one delivery channel

capability data field assigned to each delivery channel (as shown regarding claim

8, the data is saved for each channel, duplicating this method for multiple

channels would have been an obvious implementation to one of ordinary skill in

the art, see In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Benson (U.S. 6,111,824), Setogawa (U.S. Patent

6,424,793), Goldschmidt Iki (U.S. Patent 6,594,825) and Ostrover (U.S. Patent
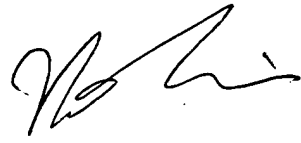
5,469,370).

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Andrew C. Flanders whose telephone number

is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax

phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from

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Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

acf

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